

**BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON**

IN RE COMPLIANCE  
WITH RCW 42.17

PDC CASE NO.: 04-130

AL KIEFER

## FINAL ORDER REINSTATING SUSPENDED PENALTY

Respondent.

## INTRODUCTION

The Washington State Public Disclosure Commission (Commission) conducted an enforcement hearing (adjudicative hearing) under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on February 24, 2004, with respect to the above-encaptioned matter. The Commission held the hearing at Evergreen Plaza Building, Room 206, 711 Capitol Way South, in Olympia, Washington. The Commission held the hearing to determine whether the Respondent violated the terms of a suspended penalty in an Order entered December 24, 2003, following a hearing before the full Commission on December 10, 2003. The Staff appeared through Susan Harris, Assistant Director. The Respondent was not present at the hearing.

During the hearing, the Staff presented, for the Commission's consideration, the Order entered December 24, 2003, following the December 10, 2003, hearing.

After due consideration of the Order and oral argument by Staff, the Commission makes the following findings and enters the following order.

1 **FINDINGS**

2 Based on this record, the Commission enters the following findings.

- 3 1. At a hearing before the full Commission on December 10, 2003, the Respondent was  
4 found in violation of RCW 42.17.240 for his failure to timely file the F-1 statement within  
5 two weeks of becoming a candidate in the 2003 election, or by August 15, 2003. He was  
6 assessed a total civil penalty of \$1,000, with \$500 suspended on the condition that he file  
7 the missing F-1 report and pay the \$500 non-suspended portion of the penalty assessed in  
8 PDC Case #04-130, and the penalties outstanding in PDC Cases #02-466 and #03-342,  
9 within 30 days from the date of the Order. The total penalty payment due from the  
10 Respondent for case numbers 02-466, 03-342, and 04-130 was \$950. The Respondent  
11 participated in the hearing by telephone, and agreed to the terms of the suspension.  
12  
13 2. The order was entered December 24, 2003. As of January 23, 2004, which was 30 days  
14 from the date the order was entered, no penalty payments or F-1 statement had been  
15 received from the Respondent.  
16  
17 3. In a letter dated February 6, 2004, the Respondent was notified that because he had not  
18 met the terms of the suspended penalty contained in the Order entered December 24, 2003,  
19 his case would be brought back to the full Commission, and that staff would ask that the  
20 \$500 suspended penalty be reinstated.  
21

22 **ORDER**

23 The Commission orders as follows:

- 24 1. That the Respondent violated the terms of the suspended penalty contained in the Order  
25 entered December 24, 2003 in PDC Case No. 04-130.  
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1 2. That the \$500 suspended portion of the \$1,000 penalty assessed in PDC Case #04-130 is  
2 reinstated.

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5 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

6 Any party may ask the Commission to reconsider this final order. Parties must place their  
7 requests for reconsideration in writing, include the specific grounds or reasons for the request,  
8 and deliver the request to the Public Disclosure Commission Office within **Twenty-One (21)**  
9 **business days** of the date that the Commission serves this order upon the party. Grounds for  
10 reconsideration shall be limited to:

- 11 a) A request for review was deemed denied in accordance with WAC 390-37-144(4);  
12  
13 b) New facts or legal authorities that could not have been brought to the commission's  
14 attention with reasonable diligence. If errors of fact are alleged, the requester must  
15 identify the specific evidence in the prior proceeding on which the requester is relying.  
16 If errors of law are alleged, the requester must identify the specific citation; or  
17 c) Significant typographical or ministerial errors in the order.

18 Pursuant to RCW 34.05.470, the Public Disclosure Commission is deemed to have denied  
19 the petition for reconsideration if, within twenty (20) business days from the date the petition  
20 is filed, the Commission does not either dispose of the petition or serve the parties with  
21 written notice specifying the date by which it will act on the petition. Pursuant to RCW  
22 34.05.470, the Respondent is not required to ask the Public Disclosure Commission to  
23 reconsider the final order before seeking judicial review by a superior court.  
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25  
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1                                    **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

2            Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure  
3 Commission is subject to judicial review under the Administrative Procedures Act, chapter  
4 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW  
5 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston  
6 County or the petitioner’s county of residence or principal place of business. The petition for  
7 judicial review must be served on the Public Disclosure Commission and any other parties  
8 within **30 days** of the date that the Public Disclosure Commission serves this final order on  
9 the parties.  
10

11            If reconsideration is properly sought, the petition for judicial review must be served on  
12 the Public Disclosure Commission and any other parties within thirty (30) days after the  
13 Commission acts on the petition for reconsideration.  
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15  
16                                    **ENFORCEMENT OF FINAL ORDERS**

17            The Commission will seek to enforce this final order in superior court under RCW  
18 42.17.395-397, and recover legal costs and attorney’s fees, if the penalty remains unpaid and  
19 no petition for judicial review has been filed under chapter 34.05 RCW. This action will be  
20 taken without further order by the Commission.  
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1 DATED THIS 10th day of March, 2004.

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3 FOR THE COMMISSION:

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\_\_\_\_\_/s/\_\_\_\_\_

5

VICKI RIPPIE, Executive Director

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7 *MAILING DATE OF THIS ORDER:*

8

3/10/04

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*Copy mailed to:*

10

11 Al Kiefer

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